

1-1 GENERAL STANDARDS

PURPOSE

This Ordinance shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Archdale, North Carolina.

As required by North Carolina General Statutes 160A-371 to 160A-376, the purposes of establishing this Ordinance are:

- To ensure the orderly growth and development of the City, including the requirement that adequate public facilities are available to serve new subdivisions of land, and the use of techniques such as the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, the assurance of urban form and open space, the protection of environmentally critical areas and areas premature for urban development,
- To provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities,
- To provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area,
- To provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to North Carolina General Statutes 136-66.10 or 136-66.11,
- To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare, and
- To provide that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

APPLICABILITY

This Ordinance shall apply to any subdivision, within the corporate limits of the City or any Extraterritorial Jurisdiction (ETJ) established pursuant to North Carolina General Statute 160A-360.

Land that has been subdivided prior to the effective date of these regulations (December, 2003) should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

AUTHORITY AND JURISDICTION

The Planning and Zoning Board is vested with the authority to review and recommend for approval, conditionally approve, and disapprove applications for preliminary and major subdivision plats.

The City Council is vested with the authority to approve, conditionally approve, and disapprove applications for preliminary and major subdivision plats. Further, they have the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.

The Subdivision Administrator (Planning Director), or his/her designee, is vested with the authority to review and approve exemption plats, minor subdivisions, Construction Plans, Subdivision Improvement Agreements, and Maintenance Bonds. The Public Works Director, or his/her designee, is also granted the authority to inspect and accept or deny all improvements as required by this Ordinance.

For the remainder of this Ordinance, "Subdivision Administrator" shall also mean "Planning Director or his/her designee". In addition, for the remainder of this Ordinance, "Subdivision Administrator" shall be referred to as "Administrator".

For the remainder of this Ordinance, "Public Works Director" shall mean "Public Works Director or his/her designee".

SUBDIVISION PLAT REQUIREMENTS

From and after the effective date of this Ordinance (December, 2003), the owner or proprietor of any tract of land who desires to subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Administrator, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Administrator must be made in accordance with the regulations set forth in this Ordinance.

No person shall subdivide land without making and recording a plat and complying fully with the provisions of this Ordinance and all other state and local laws and regulations applying to Subdivisions.

No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

In any matter in which a court orders the partition of land by dividing the same among the owners, such action shall be exempt from the provisions of this Ordinance, provided that the City is made a party defendant to said action and gives its consent or fails to file responsive pleadings to said division of the property.

A final subdivision plat shall be approved by the Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Administrator in accordance with these regulations.

SUBDIVISION EXEMPTION PLATS

Pursuant to North Carolina General Statute 160A-376, a subdivision plat shall not be required for any of the following:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance,
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved,
3. The public acquisition by purchase of strips of land for the widening or opening of streets, or
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.

CERTIFICATE OF EXEMPTION REQUIRED ON EXEMPTION PLATS

Before any plat exempt from the provisions of this Ordinance may be recorded, a Certificate of Exemption shall be obtained from the Administrator and presented to the Register of Deeds office certifying that exemption conditions have been satisfied. The Certificate of Exemption shall read as follows:

Certificate of Exemption

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____ and that the subdivision of the property shown on this plat is an exemption to the Subdivision Regulations of Archdale, North Carolina.

Owner(s)

Date

Subdivision Administrator

Date

A Certificate of Survey and Accuracy, Certificate of the Notary, and Certificate of Ownership and Dedication shall also be required on the plan as stated in Section 1-4.

RECORDATION OF UNAPPROVED PLAT PROHIBITED

The Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Ordinance.

SALE OF PROPERTY IN VIOLATION OF THIS ORDINANCE PROHIBITED

No land described in this Section shall be subdivided, sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

- the subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Administrator; and the subdivider or his agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Ordinance; and
- the subdivider or his agent files the final plat with the Register of Deeds.

CLASSIFICATION OF APPLICATIONS

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include 2 principal steps for an expedited or minor subdivision and 3 principal steps for a major subdivision:

Minor Subdivision

Sketch Plan
Final Plat

Major Subdivision

Sketch Plan
Preliminary Plat
Final Plat

Classification of Subdivisions

| (A) | | (B) DESIGNATED AGENCY (DECISION- MAKER) | (C) TIME LIMIT FOR PROCESSING |
|---|------------------|--|---|
| CLASSIFICATION | STAGE | | |
| Minor Subdivision | Sketch Plan | Administrator | 15 working days |
| Minor Subdivision | Final Plat | Administrator | 15 working days |
| Major Subdivision | Sketch Plan | Administrator | 15 working days |
| Major Subdivision | Preliminary Plat | Planning and Zoning Board | 30-45 days |
| Major Subdivision | Final Plat | City Council | 30 working days |
| Construction Plans | N/A | Administrator/ Public Works Director, as delegated by this Ordinance | 30 days |
| Exception from Subdivision Ordinance | N/A | Administrator | Reasonable period of time, depending on circumstances and scope of application |